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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 577th MEETING*

Held at the Palais des Nations, Geneva,
on Friday, 1 October 1999, at 4.30 p.m.

Chairperson: Mrs. MBOI

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COMMEMORATION OF THE TENTH ANNIVERSARY OF THE CONVENTION (continued)

Tenth Anniversary of the Convention on the Rights of the Child

Commemorative Meeting: Achievements and Challenges

(Joint special session of the Office of the High Commissioner for Human Rights and the Committee on the Rights of the Child)

* No summary records were issued for the 575th and 576th meetings.

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GE.99-44504 (E)

The meeting was called to order at 4.35 p.m.

COMMEMORATION OF THE TENTH ANNIVERSARY OF THE CONVENTION (agenda item 7) (continued)

1. The CHAIRPERSON invited the rapporteurs of the three round tables to present their recommendations and acknowledged the presence of several child participants.

Round Table I: Translating Law into Reality

2. Mrs. SANTOS PAIS (Rapporteur for Round Table I) said that the Committee on the Rights of the Child played a monitoring role in ensuring optimal compatibility between law and practice with regard to the Convention and in the removal of obstacles to its implementation. It should in particular assess the validity and impact of reservations by States parties. It should also call for States parties to take appropriate measures to ensure that the provisions of the Convention were given legal effect in domestic legal systems and to introduce supplementary legislation and enforcement mechanisms wherever necessary.

3. Reviews of national legislation in line with the provisions of the Convention should be carried out systematically with the input of civil society, and due attention should be given to raising public awareness and providing training with regard to the principles contained in the Convention.

4. The Committee should encourage non-governmental organizations and individual experts to study the impact and make increased use of the Convention in court cases and to provide the Committee with information thus obtained. Lastly, the Committee should initiate discussions on an Optional Protocol to the Convention and encourage States parties to support its efforts in that regard.

Round Table II: Putting Child Rights on the Agenda

5. Mr. RAJANI (Rapporteur for Round Table II) suggested that the Committee, in partnership with civil society, seek the support of various international bodies to determine the impact of macroeconomic and fiscal policies on children, with a view to reforming them where necessary to ensure the well-being of children. Action needed to be taken to promote evidence demonstrating that investment in children made economic sense and guaranteed equitable and sustainable development in the future. In keeping with article 4 of the Convention, maximum available resources should be allocated to providing for basic social services for children and steps should be taken to make budget documentation and processes more transparent.

6. The Committee should strongly advocate the inclusion of the review of the 20/20 initiative and its implementation on the agendas of the World Social Summit for Development+5 conference in 2000 and the General Assembly special session on the World Summit for Children in 2001.

7. Children and young people should be allowed to participate in awareness-raising regarding their rights, which was more effective as a

process of dialogue than in the form of lecturing. That required investment in institutionalizing the appropriate forums. Training on children's rights should be practical and integrated into regular professional training, equipping professionals to interact with children in a way that respected their rights and dignity.

Round Table III: Building Partnerships for the Realization of Rights

8. The CHAIRPERSON, noting the temporary absence of the rapporteur for Round Table III, invited the Chairperson of the round table to make a few comments.

9. Mrs. SARDENBERG (Chairperson of Round Table III) said that her group had been privileged to benefit from the participation of the children present. The latter had simulated a Committee meeting and provided views on how children could participate in the work of the Committee. They had suggested that the Committee include a child as an elected member. However, it had been pointed out that, as procedures stood, that was not possible, although children could participate in pre-sessional meetings or in government delegations. Furthermore, the Committee could encourage States parties to include children in their delegations to General Discussion days.

10. Mr. CANTWELL (Rapporteur for Round Table III) said that the Committee should encourage States parties to ensure the widest possible consultation in the preparation of reports, which would also serve to stimulate public awareness. Furthermore, the Committee needed to lighten the burden of report preparation by identifying priorities and reducing expectations, while still monitoring respect for children's rights.

11. Guidelines should be developed for the effective promotion of the rights of children by national human rights institutions. Children's rights should be given the same importance as human rights and, in that regard, required the establishment of permanent structures ensuring the full participation of children.

12. The Committee should recommend that coordination of implementation efforts be accompanied by effective review and monitoring. The responsibility for coordinating children's rights should be placed at a senior level of government, with the provision of adequate financial and human resources. The relationship between the different actors involved in promoting children's rights, including government and non-governmental organizations (NGOs), should be reviewed to counter any negative impact on children's rights. However, the involvement of NGOs and civil society as a whole should in no way lead Governments to abdicate their rightful responsibilities.

13. With regard to the participation of children in the Committee's work, the Committee should consider adopting as a priority a comprehensive general comment on child participation as envisaged in articles 12 to 17 of the Convention, bearing in mind that participation included consultation and proactive initiatives by children themselves. It should remind States parties of the need to give adequate consideration to the requirements of those provisions, by taking appropriate measures to support the right of children to

express their views; ensuring that schools and other bodies providing services to children established ways of consulting children in decisions concerning all aspects of their activities; giving increased consideration to the creation of channels or mechanisms to facilitate the expression by children of their views, in particular with regard to the formulation of public policies; including the views of children in the process of monitoring and reporting on the implementation of the Convention; and lastly by facilitating the creation of structures and organizations run by and for children and youth.

14. The Committee should also encourage national NGOs and Governments to facilitate the participation of children in the pre-sessional working group of the Committee and/or as members of government delegations at Committee sessions.

15. The CHAIRPERSON paid tribute to several framers of the Convention on the Rights of the Child, who she had learned were present at the current meeting.

16. Mrs. von HEIDENSTAM (Chairperson, Working Group on a draft optional protocol to the Convention on the Rights of the Child on involvement of children in armed conflicts) drew attention to an issue concerning which she had a special mandate, namely the need to remedy the Convention's single exception to the principle that majority began at age 18 by raising the age of participation in armed conflicts from 15 to 18. Although that need had been acknowledged several years earlier, States, for different reasons, had not been able to agree to do so. She trusted that all those present would support her in her efforts to resolve that sad situation by ensuring acceptance of the protocol.

17. The CHAIRPERSON invited the child participants in the Round Tables to speak about their experience.

18. Miss de RIEMAECKER (UNICEF Child Participation Project) said that she had been dismayed to hear the results of the Round Tables. The texts read out were very difficult and she was certain that few of the children had understood them.

19. Miss SCHELLEKENS (UNICEF Child Participation Project) said she did not have the impression that real consideration was being given to children's views. She failed to understand why Mrs. Sardenberg seemed to believe that it was against procedure for the children to participate in Committee meetings, whereas young women from the Netherlands had apparently already done so.

20. Mrs. SARDENBERG said that there had been a misunderstanding: she had meant that it was against procedure for children to be elected as members of the Committee, for which there existed strict rules established by the Convention itself. Participation by children in Committee meetings was on the contrary welcomed, as attested by its inclusion in several of the recommendations just read out. Noting that the adult language in which the recommendations were written might be difficult for children to understand, she stressed that the Committee's partnership with children was a learning process in which the Committee must learn how to address issues in language accessible to children and the children must help it to do so.

21. Miss SCHELLEKENS (UNICEF Child Participation Project) said that the children's participation in the Round Tables had been gratifying; it was the results which had been disappointing. She hoped that efforts would continue to ensure that the success of the learning process referred to by Mrs. Sardenberg would lead to genuine participation by children in the Committee's activities.

22. Miss de RIEMAECKER (UNICEF Child Participation Project) wondered whether adherence to rules at all cost might not jeopardize the granting of real consideration to children's views.

23. Mrs. OUEDRAOGO reassured the children that everything possible was being done to take their concerns into account, at the level of the pre-sessional working groups, participation in government delegations and all other aspects of the Committee's work. The way in which the recommendations were formulated might not have made that clear.

24. Miss GALLI (UNICEF Child Participation Project) noted that the recommendations read out had not included the establishment of a national youth parliament, which had been an important point in the discussions of Round Table III.

25. Mrs. SARDENBERG explained that the national youth parliament had not been included in the recommendations because the Round Table had not reached agreement on that idea. Consensus had been that child participation should be encouraged at the local and national levels before the issue of youth parliaments was addressed. She noted that formal participation by children in Committee meetings was very new; it was the first step in a learning process in which the Committee and the children must work hand-in-hand to overcome difficulties.

26. Miss CRUZADO MUÑOZ (Niños Trabajadores) said she deeply appreciated the opportunity to speak before the Committee; that was a very important first step, which should culminate in participation by children at the decision-making level. The idea of the youth parliament was slowly gaining hold, and the first step in that process was to raise awareness of children's need to participate and be represented without discrimination in all decisions concerning them.

27. Mrs. ROBINSON (United Nations High Commissioner for Human Rights) said that she had had the opportunity to speak with several children attending the two-day commemorative seminar; the children had generally been satisfied with the participation, but had noted that certain of the issues raised had not been developed.

28. She appreciated the opportunity to speak in the two-day commemorative seminar at a very interesting point in the discussions. The adults attending the seminar had learned an important lesson: genuine participation by children was not merely a matter of placing children before a microphone; the entire process must involve children. The procedure adopted for presenting the results of the Round Tables excluded such participation. While the recommendations presented were extremely valuable and would influence all United Nations bodies working with children, they were easier to absorb in

written than in oral form. She thanked the children for their courage in voicing their frustrations. It should have been explained, for example, why the idea of the youth parliament had not been included in the recommendations.

29. She had been very pleased to see the idea of the two-day seminar, which she had proposed in January 1999, take root. It had enjoyed wide involvement from the beginning and, in particular, the direct participation of children. Throughout 1999 the dialogue in relation to children had been extending to new forums, such as the Commission on Human Rights and the Economic and Social Council. Of course, the two-day seminar had focused on improving the implementation of the Convention rather than specific children's rights issues; she therefore welcomed the statement by the Chairperson of the working group on a draft protocol on involvement of children in armed conflicts. She herself had raised the issue of the minimum age of participation in armed conflicts in her first address to the Security Council two weeks earlier, and she hoped that the Chairperson's work would be supported and encouraged by all present.

30. She appreciated the involvement and support of donor countries and NGOs working to implement the Convention, in addition to the valuable work being done by States and United Nations bodies. The circle of partners should be widened to include business, just as the institutions themselves were increasingly reaching out to local communities, inner-city and rural areas and children themselves in raising awareness of children's rights. She thanked the Chairperson for her vibrant stewardship of the Committee and wished her well in her forthcoming new post at the World Health Organization.

31. The CHAIRPERSON expressed gratitude to the High Commissioner for her kind personal words and to everyone who had helped to make the two-day commemorative seminar a success.

The meeting rose at 5.40 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 578th MEETING

Held at the Palais des Nations, Geneva,
on Monday, 4 October 1999, at 10 a.m.

Chairperson: Mrs. MBOI

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CONSIDERATION OF REPORTS BY STATES PARTIES

Initial report of the Netherlands

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GE.99-44519 (E)

The meeting was called to order at 10.05 a.m.

CONSIDERATION OF REPORTS BY STATE PARTIES (agenda item 4)

Initial report of the Netherlands [(CRC/C/51/Add.1; HRI/CORE/1/Add.66; CRC/C/Q/NET/1; written replies of the Government of the Netherlands to questions raised in the list of issues (document with no symbol distributed in the meeting room in English only)]

1. At the invitation of the Chairperson, the members of the delegation of the Netherlands took their places at the Committee table.

2. Mr. HALFF (Netherlands) said that the entry into force of the Convention on the Rights of the Child 10 years previously had marked an important stage in international relations by introducing specific protection for a category of persons long regarded as particularly vulnerable. The Convention had been the first of a series of initiatives aimed at encouraging international cooperation in the field of children's rights. The Netherlands had been involved in drawing up the instrument's provisions concerning ill-treatment, freedom of religion, the right to education and welfare.

3. The report and the written replies gave a broad overview of the progress made in implementing the Convention, particularly regarding the right of every child to hold and express an opinion in complete independence and at every level, for example by participating in international conferences. That issue was one of his Government's major priorities. In that regard, he noted with satisfaction that several Dutch youth representatives were present at the meeting. Another aspect to which his Government attached great importance was equality between girls and boys, which had been the subject of endless debate during the drafting of the Convention. Although the Netherlands took the view that such equality could not be taken for granted in all cultures, it warmly welcomed the fact that all the rights provided for in the Convention applied to all children without exception.

4. At an earlier meeting, the permanent representative of Finland, Mr. Huhtamiemi, speaking on behalf of the European Union, had emphasized the importance of the Committee's role in identifying ways of improving the Convention's implementation. He fully shared that opinion; the delegation of the Netherlands was honoured that the consideration of its country's report coincided with the tenth anniversary of the Convention's entry into force. He was also aware of the Committee's considerable workload and apologized for the late submission of his delegation's written replies, which was due to an underestimation of the time needed to translate them.

5. The CHAIRPERSON thanked the representative of the Netherlands for his sensitivity to the difficulties of the Committee's task and invited Committee members to put their questions on general measures of implementation.

6. Mr. RABAH said that a large number of ministries were involved in implementing the Convention. Did they collaborate with one another and, if so, in which fields? What contributions were made by ministries and NGOs to the preparation of the initial report?

7. Mrs. TIGERSTEDT-TÄHTELÄ said that the length of the list of issues could be explained by the Committee's desire to obtain as much information as possible on the situation concerning the rights of the child in the country concerned so as to achieve an overview and it was regrettable that replies had not been given to all the questions raised. She noted that the State party wished to maintain its reservations and declarations, even although the possibility of their withdrawal was regularly considered. She would like to know whether the Netherlands Antilles and Aruba could accede to the Convention.

8. Although it was commendable that such detailed information had been submitted on the legislation relating to the protection of children and adolescents, a simple description of the laws could not fully reflect the actual situation of children in the Netherlands. She regretted that no child had participated in the drafting of the report and that NGOs had been able to do so only when that had been deemed appropriate. It was important for civil society to contribute and for the Committee to have information drawn from non-governmental sources at its disposal with which to initiate a dialogue that would be useful in drafting subsequent reports.

9. The report did not indicate whether the implementation of legislation and the ensuing budgetary decisions were in full compliance with the provisions of the Convention, particularly article 4. In taking decisions on the allocation of financial resources, the rights of the child should be considered a priority. Moreover, the written replies gave no indication of any national plan of action or overall policy aimed at implementing the Convention.

10. She was encouraged that new legislation had been adopted to punish Dutch nationals involved in cases of child sexual abuse on non-European territory. It would be useful to have clarification of the double criminality condition under which a perpetrator could be prosecuted both in the Netherlands and in the country where the offences had been committed.

11. She would like to have more information about programmes aimed at encouraging young people to speak out on children's rights, of which the national youth debate held in parliament was a welcome example, and about the financial impact of aid projects for developing countries. She welcomed the fact that issues relating to young people were a central concern of the relevant ministries, under the coordination of the Ministry for Health, Welfare and Sport. It was regrettable that many local authority projects for young people which had been set up jointly by various agencies were suffering from repeated cuts and poor organization.

12. She would also like to have more information on the financial implications of implementing the Convention, together with a disaggregated data on the budget assignments for the implementation of the rights of the child. What amounts had been allocated at the provincial and municipal levels and on the basis of which criteria? Did local councils and provinces have the power to collect taxes? Given the fact that the local authorities decided on their budget themselves according to their priorities, did the Government have a means - a framework law, for example - of compelling them to set aside part

of their resources for the application of certain provisions of the Convention? Was there any control over local authority spending of the funds received from the Government?

13. Mr. FULCI said he was pleased that the report had been submitted so soon after the Convention's entry into force in the State party and that the Committee's guidelines on its submission had been followed.

14. He shared the previous speaker's opinion that the report did not say enough about the process by which it had been produced. The Committee felt strongly that civil society, particularly NGOs, must take a leading role in implementing the Convention. He considered that the section on general measures of implementation was the weakest part of the report, which otherwise generally provided ample information on legislation, existing structures and the Government's programmes. He too regretted the absence of detailed information. Moreover, description prevailed over analysis and self-criticism and too little attention had been paid to the actual results of the implementation of legal provisions, programmes and policies.

15. After careful consideration, he had concluded that the State party's reservations and declarations were reasonable. They were motivated by a desire to apply the Convention without creating any conflict of laws with internal legislation, some of whose provisions protected children's rights even more extensively than the Convention. He recalled that the Netherlands had always opposed the reservations expressed by the many States which cited general principles of their internal law in order to limit their responsibility.

16. Paragraphs 61 and 62 of the report stated that the functions of a children's ombudsman were already performed by the nine children's law centres which existed in the Netherlands and that the Government therefore saw no real value in introducing a new institution. However, certain NGOs felt that a national children's ombudsman would be able to deal with institutional breaches of children's rights better than those centres. The Committee itself had made recommendations on several occasions concerning the introduction of an independent monitoring organization reporting directly to parliament. Did the Dutch Government not consider that the establishment of such an institution would be beneficial to children?

17. Mrs. SARDENBERG said that she found the report a little too legalistic, but highly compact and informative. Even the composition of the delegation, four of whose members came from the Ministry of Justice, reflected that legal emphasis. The report followed the general guidelines on presentation and the only matter for regret was that the Dutch Government had not responded to certain questions in its written replies. The report placed particular emphasis on welfare, where matters were highly satisfactory, but less on the implementation of the Convention as an active policy instrument. The text referred sometimes to children and sometimes to young people, without making it clear whether those terms implied the entire child population from birth to 18 years or only a part of that population.

18. With regard to reservations, she urged the Dutch Government to withdraw those it had made. The 1993 Vienna Declaration by the bodies established in

accordance with international human rights instruments had appealed expressly to States to withdraw their reservations and the fact that the Convention was the only human rights treaty which was all but universal provided sufficient justification for the Government of the Netherlands to relinquish its somewhat rigid stance.

19. The issue of the relationship between the European part of the Kingdom of the Netherlands and the parts outside Europe (Aruba and the Netherlands Antilles) required clarification. For example, paragraph 32 of the core document (HRI/CORE/1/Add.66) stated that the existence of three parts forming a single sovereign entity implied that a number of matters, including the safeguarding of human rights and fundamental freedoms, were best administered jointly. Yet, in its concluding observations on the report of the Netherlands, the Committee on Economic, Social and Cultural Rights had expressed its concern at the State party's assertion that the Government of the Kingdom of the Netherlands was not responsible for implementing economic, social and cultural rights in Aruba and the Netherlands Antilles, although those two territories were an integral part of the Kingdom. At the same time, in reply to question 3 put by members of the Committee, the Dutch Government had said that, if the Committee had any questions on the Convention's implementation in the Netherlands Antilles, it should address them to the Dutch Ministry of Foreign Affairs, which would pass them on to the competent authorities in the Netherlands Antilles. None of that was very clear. Given the fact that the Netherlands Antilles had ratified the Convention and Aruba had not, what authority, in the final analysis, was responsible for implementing the Convention in those two parts of the Kingdom?

20. Turning to relations with NGOs, she noted that paragraph 283 of the core document stated that the Ministry of Foreign Affairs was responsible for coordinating the preparation of the periodic reports submitted to the treaty bodies, while paragraph 284 stated that the Dutch Government considered that the Kingdom had a duty to submit the reports, and it did so by agreement with NGOs. It was well known that there was a long tradition of participation by civil society in the Netherlands, but, in the current instance, apart from consultations, how were the contributions of NGOs integrated into policies and programmes?

21. She would also like to know why the Netherlands had taken so long to ratify the Convention following its entry into force (five years) and pointed out that the Netherlands had also taken a long time to ratify the Convention on the Elimination of All Forms of Discrimination against Women. On the subject of international cooperation, she commended the Dutch Government on being one of those which had allocated over 0.7 per cent of its GNP to international aid, but was surprised that the written replies paid more attention to the situation of children in developing countries than in the Netherlands. She also wished to know whether the report had been written in or translated into the Dutch language. With regard to dissemination of the Convention, she noted that, according to the reply to question 8, only a single public information campaign had been held in 1996 and asked what plans were in hand to bring the Convention to the attention of the population as a whole and, more specifically, of professionals and officials working for or with children.

22. According to paragraph 195 of the core document, a National Ombudsman existed as one of the High Councils of State. Did the ombudsman's remit extend to the situation of children? Although the programmes intended to benefit children were very good, the Dutch Government might also be advised to adopt a more global approach to children's rights and to promote children's participation at all levels even more than it did at present.

23. Mrs. OUEDRAOGO said that she wished to know more about the composition and functioning of the youth panels in government ministries. Referring to paragraph 12 of the report stating that youth councils were now active in 20 municipalities, she asked why there were no youth councils in other municipalities and what problems had been encountered in that regard. Who were the members of the youth councils and how did they operate? She would also like to know whether the Government had evaluated its information campaigns on children's rights, what had been done to ensure the continuity of that information and whether the Convention had been translated into Dutch and into Braille. She asked to what extent the plan to print a large number of copies of the report and make it available freely to interested persons, had been realized.

24. Was it true that the non-European parts of the Kingdom of the Netherlands would submit a separate report on implementation of the Convention? At first sight, it seemed as though the central Government was responsible for implementing the Convention throughout the Kingdom. As to relations with NGOs, the authorities had not established cooperative arrangements with NGOs working for children's rights, thus indicating that they resorted to information and comments provided by NGOs when appropriate. Under what circumstances and by what mechanisms did the authorities involve NGOs? Concerning international aid, it would be interesting to know what priority the Government assigned to programmes designed to benefit children.

25. Mrs. KARP said that the Netherlands was to be commended on its human rights culture and excellent welfare system. It was because the Netherlands had already reached such a high level that she wished to go into certain matters in greater depth. With regard to reservations, according to the written replies, the fact that social security legislation bestowed no individual rights on the child (other than in a few exceptional cases) proved that the Netherlands regarded such individual rights as undesirable and, therefore, it saw no reason to review its reservation to article 26. That meant that there were exceptions to the non-recognition of children's individual rights in social security matters. If the rule was not unbreakable, could the Government not cite exceptions in order to withdraw its reservation to article 26, which in any case seemed to be more a precautionary measure than an issue of principle? If an issue of principle really was involved, it might be considered that the provision in question was contrary to the basic conceptual approach of the Convention where children's individual rights were concerned. In relation to what had already been said, she wondered whether the approach to welfare was not taking on greater importance than the approach to children's rights.

26. Another reservation had the effect of preventing children from enjoying the right to legal assistance in lower courts and denying them the right of appeal. As those restrictions were probably the result of budgetary

considerations, the question arose whether the best interests of the child were being taken into account in budgetary decisions. Moreover, in view of the crucial importance of the confidence that a child gained when being assisted by counsel, it would be useful to know whether the Government had evaluated the impact of its restrictions on children.

27. As to the monitoring of the implementation of children's rights, the Netherlands authorities seemed to believe that mechanisms such as children's legal centres and the Child Care and Protection Advisory Board were sufficient to carry out the task. As those bodies were decentralized and local, she felt that they could not match the scope offered by an independent ombudsman able to gain an overview of children's rights. As to the existing structures and the many excellent programmes already introduced, it would be interesting to know what actual impact they had had on children. According to some NGOs and the children who had participated in the pre-sessional work, some children had to wait up to three months in order to join a programme. The Netherlands' policy on international cooperation was commendable and it would be interesting to know whether the Government earmarked a certain percentage of its assistance for children. With regard to training, it was important to teach all professionals working in the field how to really listen to children, to win their trust, to take notice of their opinion and to give them reasons for decisions taken about them.

28. Mrs. MOKHUANE, referring to the replies to questions 8 and 9 and having regard to the highly decentralized nature of government in the Netherlands, asked whether the national authorities saw to it that local authorities applied the Convention and, inter alia, trained the professionals concerned. She also asked what proportion of the budget was allocated to programmes for children, how the budget had increased and whether studies had been carried out to evaluate the consequences of that increase. On the issue of minority languages, she considered that it was the responsibility of the Government to have the Convention translated into Frisian. Concerning programmes and policy, an intersectoral approach would facilitate further progress towards the achievement of children's rights.

The meeting was suspended at 11.15 a.m. and resumed at 11.35 a.m.

29. Mr. HALFF (Netherlands) thanked the Committee members for their comments and questions and said that his Government would send written replies to some of the more detailed questions. He agreed that the report was very legalistic, but, in order to demonstrate how it applied the Convention, his Government had needed to refer in its first report to the Committee to the legislation and the measures it had taken. In the next report, the Netherlands authorities would try to describe children's situation in both a more comprehensive and a more specific way.

30. The Kingdom of the Netherlands consisted of three parts: one European (the Netherlands) and two non-European (Aruba and the Netherlands Antilles). All three parts were autonomous. The European part and the Netherlands Antilles had so far ratified the Convention, but Aruba had not. The Convention was applicable in each part only when the respective parliament had ratified it. Each part of the Kingdom submitted or would submit a report to the Committee separately. The report currently before the Committee was that

of the European part of the Netherlands. If Committee members asked the delegation a question concerning Aruba or the Netherlands Antilles, the delegation, through the Ministry of Foreign Affairs, would transmit it to the authorities in those parts of the Kingdom, but in no circumstances could it reply.

31. Each Ministry had its own budget and was responsible for implementing specific children's programmes and clearly defined provisions of the Convention. Each Ministry also took decisions concerning programmes within its sphere of competence. However, there was also official coordination between Ministries and decisions of principle on the policies to be followed were taken at Cabinet level. The different Ministries attached great importance to the experience of NGOs and maintained an informal and productive dialogue with them. Nevertheless, the drafting of the report was solely the Government's responsibility. Moreover, NGOs did not wish to lose their independence and produced their own report.

32. With regard to the translation of the report, initially produced in Dutch, into the other languages spoken in the Netherlands, an English translation had been distributed. The report had not yet been translated into Frisian, which was not actually regarded as a minority language in the Netherlands. All Frisians knew Dutch.

33. He confirmed that his Government provided assistance for programmes designed to benefit children; it was preparing to submit a more detailed account in writing, including the amount allocated for such programmes.

34. Mr. JANSEN (Netherlands) said that his country had not ratified the Convention earlier because it took its commitment very seriously and had taken the time needed to examine all the provisions thoroughly beforehand. Turning to the issue of reservations, he said that the reservation to article 26 was one of principle that was completely unrelated to budgetary considerations. Since parents were required to look after their children, it was clear that they must take responsibility for their social security. Owing to lack of resources, it was difficult to foresee an individual right of children to social security. Furthermore, in the Netherlands, the fine which juvenile offenders had to pay was the same as that paid by adults - 50 guilders. The amount was too low to make a right of appeal worth while. With regard to proceedings in courts of first instance, a child could be represented by counsel, but that was not compulsory. The Netherlands was therefore not planning to withdraw its reservations to articles 26, 37 (c) and 40 of the Convention.

35. Turning to the matter of young people's protection and the creation of an ombudsman for young people, he said that his Government had replied to the question in writing (reply No. 6) and was waiting to evaluate the measures taken in that area before reviewing its position. He acknowledged that, although the Netherlands was a rich country, it must introduce improvements to the procedures for placing children in specialized facilities.

36. Mr. HALFF (Netherlands) said that, with regard to programmes specifically intended for children, the local authorities did not have the right to impose taxes.

37. The CHAIRPERSON invited the members of the Committee to put questions on general principles.

38. Mrs. KARP asked whether children aged under 16 years had access to legal counsel and the right to make use of it without parental consent. She would also like to have further details on the specific age below which a child could not file a complaint without being accompanied. It would be useful to know the basis of the reservations formulated by the Netherlands Government on the separation of child and adult prisoners. She also asked whether the Netherlands Government was taking concrete steps to promote children's participation in everyday life.

39. Mr. JANSEN (Netherlands) said that the Netherlands had not formulated any reservation on the obligation to separate young prisoners from adults in detention. However, one part of the Kingdom of the Netherlands had done so.

40. Mr. FULCI commended the members of the Netherlands delegation on their excellent legal knowledge, but said it might be advisable in future if it included members of the Government or parliament. He noted that, contrary to the general assumption that discrimination did not exist in the Netherlands, one Dutch NGO, "Coalition", had alleged that racial segregation existed in schools, with ethnic minorities being under-represented in all areas of education. He asked whether the Government was taking any particular steps to prevent discrimination against child refugees or asylum-seekers.

41. Mrs. TIGERSTEDT-TÄHTELÄ, noting that the minimum age for joining the armed forces in the Netherlands was 17 (although no one could be sent on military operations abroad before the age of 18 years), asked whether the Government planned to raise that age limit. In her opinion, NGO participation in the preparation of reports was not contrary to the principle of neutrality and would even enhance the process. In addition, she would like to know whether the regulations concerning appeal procedures and children's participation in decision-making in private and public institutions had been put into practice and whether they were being evaluated.

42. Mrs. OUEDRAOGO asked what measures could be taken to encourage Aruba to ratify the Convention within a short time. She would also like to know whether the Netherlands Antilles would submit a separate report. With regard to the legislation on legitimization, she asked whether the bill which had been expected to come into force in January 1998 really had renounced the terms "legitimate", "illegitimate" and "natural". She would also like to know whether the decree on the quality standards and duties incumbent on guardianship and family supervision institutions had been implemented, what results had been achieved and to what extent provinces and local authorities were assuming their responsibilities in that regard. She asked whether the bill to regulate the position and procedure of the independent inspectorate for supervising the quality of youth assistance and youth protection had been adopted. She was concerned about the situation the report described with regard to the participation of young people in political and social life and asked what solutions were being considered, particularly for remotivating or redirecting young people who had lost all interest in school. What were the reasons for the lack of coordination between schools and other institutions and what measures could be taken to solve that problem?

43. Mrs. SARDENBERG, focusing on the problem of coordination, said that, in its written replies, the Netherlands Government made it clear that activities for young people involved a great many agencies at various levels, leading to a degree of fragmentation and frequent duplication of efforts. Recalling the importance that the Committee attached to the existence of a mechanism or coordinating bodies concerned with the Convention's implementation, she asked whether the Government had introduced machinery for evaluating the implementation of the Convention at the local level. With respect to the participation of NGOs, she considered that they could not only help shed greater light on the situation in the field, but would also be conducive to encouraging debate at the national level and making the views of civil society more widely known. The Government had organized a national debate in 1995 and 1996. Since then, a not-for-profit body had been responsible for the task. Had another debate been held and, if so, what role had the Convention played in it?

44. With regard to the principle of participation, she emphasized that information and training were highly important. She would like to know more about the training of staff working with children and about measures taken to adapt training to children's needs, especially as a function of their age and mother tongue. The Dutch children questioned on the subject had said that they would like to see issues relating to the rights of the child included in the school curriculum and made the focus of dialogue between them and their teachers.

45. Mr. RABAH said that he would like more information on how children's rights were taken into account in the legal system. He asked whether judgements had been handed down on the basis of the principle of the best interests of the child and other rights. He would also like to know to what extent the opinion of children was taken into consideration in the courts, in schools and in families. Did judges receive training in the principles of the Convention?

46. Mrs. KARP, referring to the question of the separation of child and adult prisoners, said she accepted that no reservation had been formulated on the subject where the Convention was concerned. However, the Netherlands had formulated a reservation of that kind in respect of the International Covenant on Civil and Political Rights. She would like to know whether the Netherlands Government intended to maintain that reservation, which was incompatible with the provisions of article 37 of the Convention. Concerning participation, had children been consulted in setting up the new system of advisory services? Had the opinion of children been taken into account in the project intended to promote participation? Was the project to tackle violence in schools also being directed towards new generations in order to ensure continuous participation by young people? It appeared that the bill on guardianship contained provisions which authorized corporal punishment in certain circumstances. Was the bill still under consideration or had it been adopted? What exactly were the circumstances envisaged and what measures had been taken to avoid abuses?

47. Mrs. TIGERSTEDT-TÄHTELÄ, recalling the wording of article 26 ("States parties shall recognize for every child the right to benefit from social security"), asked whether the reservation concerning social security was

really well founded. She would also like to know whether the four high-priority objectives established by the Government in 1998 had been implemented and whether the New Administrative Agreement had been given effect as planned.

48. The CHAIRPERSON said that she also wondered about the grounds for the reservation relating to article 26.

49. Mrs. OUEDRAOGO asked whether the bill on the right to choose a surname had been adopted and, if so, whether any trend had emerged in favour of adopting either the father's or the mother's name. With regard to the provisions of the bill on filiation relating to the denial of paternity, she asked how often such cases occurred and who took charge of the child. Concerning access to information, she asked what role the media played in disseminating the Convention, particularly in view of their obligation to include informative material for children and young people in television and radio programmes. Had the members of the management committee for educational programmes received training in the rights of the child and did they include the principles of the Convention in the programmes they drew up?

50. She also wished to know what role the Kinderkast Foundation played in promoting children's rights, what progress had been made in implementing the programme to encourage reading and what steps had been taken to prevent children gaining access to pornography on the Internet or to any other information that might be harmful to them. She asked whether the practice of "hazing" was widespread and whether a national debate had been organized on the issue of corporal punishment, a problem of particular concern in families. Lastly, she would like to know whether steps had been taken to improve the situation in detention facilities since the last visit of the European Committee for the Prevention of Torture, a matter mentioned in the report.

51. Mrs. KARP asked whether the Netherlands intended to follow the example of several of its European neighbours, particularly the Scandinavian countries, in introducing legislative provisions that expressly prohibited corporal punishment in the family and whether there were plans to increase public awareness of the problem.

52. Mr. FULCI said it was his understanding that some 50,000 children were the victims of ill-treatment each year in the Netherlands, with only 16,000 of those cases being officially reported. He had also learned that the waiting lists of the specialized centres for such children were very long. Could the delegation confirm those figures and indicate whether measures were being considered to improve operations at those centres?

53. Mr. RABAH, referring to the bill on guardianship, asked who evaluated the conditions under which the use of physical force could be authorized and what supervision the Government exercised.

The meeting rose at 1 p.m.

The meeting was called to order at 3 p.m.

CONSIDERATION OF REPORTS BY STATES PARTIES (agenda item 4) (continued)

Initial report of the Netherlands (continued) [CRC/C/51/Add.1; HRI/CORE/1/Add.66; CRC/C/Q/NET/1 (list of issues); Written replies of the Government of the Netherlands to questions raised in the list of issues (document with no symbol distributed in the meeting room in English only)]

In the absence of Mrs. Mboi, Mrs. Mokhuane took the Chair.

1. At the invitation of the Chairperson, the members of the delegation of the Netherlands resumed their places at the Committee table.

2. The CHAIRPERSON invited the delegation of the Netherlands to resume its replies to the Committee's questions.

3. Mr. HALFF (Netherlands), replying to a question remaining from the first round, said that the Netherlands total development aid budget was approximately $3 billion, $5.5 million of which had been made available to programmes for the promotion of children's rights in 1998 and 1999; in 1999 an additional $5 million had been allocated to programmes to combat child labour.

4. Turning to questions from the second round, he said he appreciated Mr. Fulci's concerns regarding the level of representation of the Netherlands delegation to the Committee and would communicate them to his Government, but pointed out that Netherlands delegations to all United Nations treaty bodies had always been headed by diplomats. In reply to Mr. Fulci's question on measures to avoid discrimination against foreign children, he referred the members to his delegation's earlier reply to question 27 of the list of issues.

5. With regard to Mrs. Tigerstedt-Tähtelä's suggestion that the Netherlands involve NGOs in the drafting of its reports, as he had stated at the preceding meeting, he did not agree that such an approach would be useful. Many NGOs endorsed his views and preferred to retain their independence. In reply to another question, he reiterated that the Netherlands Antilles was a fully autonomous entity and that the Hague had no more than a technical involvement in the preparation of its report to the Committee.

6. His delegation had taken due note of Mrs. Sardenberg's concerns regarding the manner in which the Netherlands Government coordinated implementation of the Convention and would transmit them to his Government. He also wished to assure Mrs. Sardenberg that his Government listened to and learned from NGOs and appreciated the role they played in the implementation of the Convention.

7. The Netherlands had entered a reservation to article 26 of the Convention because it felt that the article might be interpreted as giving children an individual right to social security. Concerning a question about raising the age of admission to the military, he said that there were no plans to raise the present age limit, which was 17.

8. The children's reading programme was still in progress, hence there had not yet been a final evaluation. In addition to that programme, the Netherlands conducted a children's book week to promote reading, and young people were involved in the general selection of books for prizes. Concerning a question about violence in schools, he referred the members to his delegation's written reply to question 25 of the list of issues.

9. Mr. JANSEN (Netherlands), replying to a question by Mrs. Karp, confirmed the fact that children 16 years and older were considered to have reached majority for medical purposes. For children younger than 16, the consent of both parents and child was needed for medical treatment. In cases involving serious danger to the child, it was not mandatory to obtain the parents' consent to medical treatment, and the parents might not even be informed. In cases of sexual abuse by parents, a formal complaint was no longer necessary to initiate proceedings, although one had to be furnished by the Child Care and Protection Board before the end of the proceedings. The formal complaint requirement would be abolished altogether in the near future. As to the lodging of complaints of abuse in custodial institutions, he referred to the delegation's written replies. Complaints could be submitted to the supervisor on duty for the month, with right of appeal to the full supervisory committee. The bill on custodial institutions would essentially preserve that system, but would expand it to include mediation, which the Government felt was the best means of resolving conflicts.

10. The affiliation law had come into effect on 1 April 1998. Children who denied the paternity of their presumed biological fathers ceased to have a legal father and came under the parental responsibility of their mothers, although in most cases children were recognized by their real fathers.

11. The "best interests of the child" was an important issue in the Netherlands, in both legislation and practice. From his experience as a court judge, for example, he knew that right of access of a parent to a child was rarely denied, except in cases involving serious danger to the child. Regarding the training of juvenile judges in the Convention, he said that the law curriculum included domestic and international family law, and that judges' training included training in the Convention and family law in general.

12. In reply to another question, he said that the Netherlands reservation to the International Covenant on Civil and Political Rights had become obsolete and that the Government would consider its withdrawal.

13. Like other countries the Netherlands had considered the possibility of introducing a blanket prohibition of corporal punishment by parents or other persons; it had decided that such prohibition would be of a symbolic nature and had not introduced it for the time being. Corporal punishment in custodial institutions was used only when safety was at risk and as a last resort. In the rare cases where it was used, it was carefully monitored and the Child Care and Protection Board was always informed.

14. Children received either their father's or their mother's surname, a decision which had to be taken at the latest when the child's birth was registered. If a couple was unable to agree on the name, the child was given

the father's surname. That system might be disappointing to women, but it had raised no serious problems to date, and in any event cases where a couple was unable to agree were rare.

15. To combat discrimination in general, there was a special bureau within the justice system, headed by a public prosecutor, whose role was to prevent discrimination against children of foreign origin. Discrimination was also combated through a series of activities at the local level, such as exchange programmes between schools and centres for asylum-seekers.

16. Mr. HALFF (Netherlands), replying to a question about the media's role in disseminating the Convention, said that the Netherlands television and radio educational channel was preparing an extensive radio programme on the rights of the child, consisting of 10 broadcasts, each dealing with one right.

17. Mr. van LOON (Netherlands) said that he represented the international affairs department of the Ministry of Health, Welfare and Sport, but that a series of departments were responsible for the formulation of youth policies. Participation of young people was an important issue at the national level, and policy was based on a new style of administrative agreement between the central, provincial and community levels of Government. The central Government was responsible for providing a framework for youth participation policies and the other levels for developing those policies. The provinces were responsible for policy development in the field of youth services and the communities concentrated on preventive or general youth policies. There was an ongoing four-year (1998-2002) project called Local Youth Policy, whose aim was to promote participation, to which the Government had allocated 3 million guilders, or $1.15 million. He noted that the provincial and community governments funded youth policies through their regular budgets.

18. No special funding was provided for the involvement of NGOs in youth participation policies. NGOs were able to influence policy-making through regular channels such as parliamentary procedure. Because the Government was aware of the importance of participation in policy implementation by the beneficiaries themselves, a document on youth participation was being prepared, aimed at involving young people in the policy-making process; it would be submitted to Parliament in November or December 1999. In the framework of a structured dialogue established by his Government with NGOs, his ministry regularly consulted NGOs on policy making in a series of fields, including policies relating to youth. The National Youth Debate 1995-1997 continued annually, essentially as an agenda-setting event aimed at keeping the debate alive. There was no special Government policy in the area of training of professionals working with youth. Such training was included in the educational institutions' regular curricula.

19. Replying to questions on violence and pornography transmitted through the media, including the Internet, he said that Parliament, recognizing the harmful effects such activity could have on young people, had amended the Media Act and had set up a ministerial council to frame additional policy in that regard. An intergovernmental working party had also been formed to identify policy goals for the future.

20. However, it was difficult to strike a balance between ensuring freedom of expression and protecting young people from violence and pornography. In the end, it had been decided to make monitoring self-regulatory, at all levels. Indeed, it was the responsibility of parents to monitor what their children were exposed to in the media. That, of course, did not relieve the Government of its role as provider of the means by which parents could effectively perform that role. In fact, an organization had recently been established to classify video material and films and decide what was fit for children's viewing. Furthermore, Dutch criminal law had been revised to cover criminal offences committed via new electronic media, including the Internet.

21. Lastly, the issue of child abuse reporting centres and reportedly long waiting lists had been raised in the media. As a result, Parliament had requested the Junior Minister of Health, Welfare and Sports to investigate the matter. As it appeared that there were no reliable data as to the number of people on waiting lists, a new information system had been set up to improve available statistics. The Junior Minister had conceded that if the situation was indeed as claimed, then something had to be done. In addition, child abuse reporting centres and youth services bureaux received supplementary funding from the provinces and larger cities and it was expected that those amounts could total 30 million guilders by 2000.

22. The CHAIRPERSON reminded the delegation of the outstanding questions that remained unanswered and asked Mrs. Karp to clarify the question she had posed.

23. Mrs. KARP said that one crucial question that remained to be answered related to information provided to children. Indeed, one of the main points raised by the children who had attended the pre-sessional meeting had been that often the children's right to information was not respected.

24. Mrs. Mboi took the Chair.

25. The CHAIRPERSON invited the members of the Committee to ask follow-up questions on general principles and civil rights and freedoms.

26. Mrs. KARP, returning to the issue of children's right to information, pointed out that there was no focal point in the Netherlands where children could obtain information. The existing written material was not sufficient; children needed to have a place where they could have their questions answered, especially concerning issues which they would prefer not to discuss with their parents or on which parents themselves were ill-equipped to give answers, such as AIDS.

27. Turning to youth participation, she asked why the old programme had been replaced by a new one and, supported by Mrs. Ouedraogo and Mrs. Sardenberg, whether children's views had been consulted in that regard.

28. Mrs. TIGERSTEDT-TÄHTELÄ, referring to the four objectives set by the new Government (page 14, written replies) and which targeted low-income families, asked for the latest information in that respect and whether parents had been involved in the process.

29. Mr. RABAH said he would like to know whether there had been any precedent of the Convention being directly or indirectly invoked in Dutch family or juvenile courts.

30. Mrs. SARDENBERG said she welcomed the information on non-governmental organization (NGO) participation and hoped that such participation would also apply to national policies. She applauded the Youth Participation Programme and wondered whether it had taken the Convention into account and whether there had been a budget allocation for its implementation. She acknowledged that ensuring youth participation was not an easy task. It was one that required research and evaluation, since it was not just a question of becoming acquainted with children's views but also of incorporating them into policies.

31. She asked for clarification as to how implementation of the provisions of the Convention was harmonized between the different levels of Government. Furthermore, in relation to the child abuse reporting centres, were the public relations campaign and telephone helplines already in place? The Committee had received information to the effect that women were the objects of discrimination at work and wondered what measures had been employed to correct that situation. She requested information on the 20/20 initiative, and asked whether there was a public debate on euthanasia for children over 12 years. What were the views of the different sectors of society on that subject?

32. The CHAIRPERSON reminded the delegation that questions remained to be answered with regard to racial discrimination in schools and paternity.

33. Mrs. OUEDRAOGO stressed the need for young people to be involved directly in policies and decisions that affected them and inquired as to the composition and functioning of the youth councils.

34. Mrs. TIGERSTEDT-TÄHTELÄ asked whether youth counselling centres were handled at the municipal or regional level. Perhaps waiting lists were long because counselling was dealt with at the regional level, whereas counselling, by nature, should be offered as quickly as possible.

35. Mrs. KARP wondered whether the campaign undertaken to root out violence in schools was to become a permanent feature.

The meeting was suspended at 4.05 p.m. and resumed at 4.20 p.m.

36. Mr. HALFF (The Netherlands) thanked the Chairperson for reminding his delegation about outstanding questions but explained that in order to answer some of them the delegation needed to make contact with The Hague. In other cases the answers would have to be submitted in writing at a later date. Replying to the question on the 20/20 initiative, he said that he was aware of the initiative but was not sure how it related to the Convention. He questioned the relevance of women's issues, raised by Mrs. Sardenberg, to the current discussion about children's issues, as they appeared to fall outside the scope of the meeting, but added that the delegation was trying to obtain information about women at the workplace.

37. Mrs. SARDENBERG pointed out that very often women's and children's issues were intimately related. For instance, female part-time employment

might be linked to the lack of day-care facilities. What was more, efforts were being made to integrate the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women. However, it was left up to the discretion of the delegation to answer the question or not.

38. Mr. HALFF (Netherlands), turning to the question related to violence in schools, said that the "Safe Schools" campaign was expected to end in 2000 and would be evaluated at that point. Perhaps the problem would not have been completely eliminated by then but violence in schools would remain an important priority in Government policy.

39. Mr. JANSEN (Netherlands), addressing the issue of dual criminality, said that a Dutch citizen could be prosecuted in another country if the offence committed was a criminal offence in that country as well. Otherwise, it would be difficult to gather evidence. Clearly the issue was not an easy one and required a lot of thought.

40. The CHAIRPERSON explained that if, for example, a Dutch paedophile committed an offence in Indonesia, there might be an extra-territorial agreement that would allow Indonesia to prosecute that person in collaboration with the Dutch authorities. Some countries had already signed such agreements and she hoped that the Netherlands would follow suit.

41. Mrs. KARP pointed out that since the Stockholm Conference a number of countries had changed their views on the matter of dual criminality and that it was now incumbent upon all civilized societies to ensure that they did not in any way condone the violation of children's rights.

42. The CHAIRPERSON said that the laws on sexual exploitation were quite weak in a number of countries but that ILO Convention No. 182 on the worst forms of child labour pressed even poorer countries to introduce such laws.

43. Mr. JANSEN (Netherlands) said that despite the difficulties inherent in the prosecution of those involved in child prostitution, the Government had had some success in past years. The Committee's advice in that regard was welcome. An evaluation of the complaints procedures which had first come into force in December 1997 and an assessment of the participation of children in youth institutions had been scheduled for the year 2000. In cases where it was proven that a father was not the biological father of a child, the father, the child or the mother could each take legal action to deny paternity. The child would subsequently be without a legal father, unless some adoption procedure was undertaken or, in the case of the biological father, unless he officially recognized the child. In some cases fathers were unwilling to recognize their children. Although the technical means existed to establish paternity, the State could not do much to alter the father's will and ensure that he would care for the child.

44. Reference was often made to the Convention when decisions were taken regarding the best interests of refugee children. As to whether the Convention itself was self-executing, the Supreme Court had yet to reach a final decision. At best, the Court might find that some of its provisions were self-executing, but certainly not all. In early August 1999 a bill had been introduced in Parliament which would give children over 16 the right to request euthanasia without the parents' consent. The same bill would make it

possible for a doctor, with the consent of the parents, to allow a child over the age of 12 to request euthanasia, provided he determined that the child had sufficient understanding. Many children in such circumstances would be particularly mature for their age. The bill, which had of course been drafted with the best intentions, had given rise to a nationwide debate, and its passage was not certain.

45. Mr. van LOON (Netherlands) said that when it had first been drafted, the bill had not given children under the age of 16 the right to request euthanasia. It had been modified at the request of the Council of State, which issued advisory opinions on all draft laws before they went to Parliament. The Council of State had reasoned that since children between the ages of 12 and 16 who were deemed to be responsible were already entitled to refuse medical treatment at that age, the bill's provisions should be brought into line with that policy. In any event, euthanasia without parental consent was unthinkable in the case of a child under 16.

46. Everyone had the opportunity to influence policy through the work of NGOs, correspondence, political demonstrations or other activities. In the specific case of youth policy, the annual National Youth Debate played an important role in agenda-setting. A structured dialogue was being established for the discussion of international policy, and consideration was being given to the establishment of a similar mechanism for drawing up national policy. A conference had already been held on that subject, and had called for NGOs and private companies to play a greater role not only in drawing up policy, but also in implementation.

47. The central Government was implementing a four-year project whereby it provided about US$ 1.5 million in annual subsidies to the association of local communities for an integrated youth policy programme. Generally, provinces and communities paid for their youth projects from means distributed to them by the central Government and from their own tax revenues.

48. Mrs. TIGERSTEDT-TÄHTELÄ, moving on to the subject of family environment and alternative care, said that she understood that there were long waiting lists for foster care, and that the Government intended to enter into multi-year agreements with the other parties involved. Perhaps the delegation could explain what those agreements would entail. The separate custodial institutions were apparently divided respectively into care and treatment centres, and their capacities were adjusted annually based on demand forecasts. Were those forecasts made by the central Government, the provinces or local municipalities? How was demand estimated, and how was the information conveyed from the base to the central planners? What were the financial implications?

49. Mrs. KARP asked whether the new policy paper on participation included budgetary provisions. The Committee had observed that the promotion of child participation required infrastructure and training, for which budgetary allocations had to be made. The question of euthanasia was very complex. Did the Government think it advisable to leave it up to a single doctor to decide whether a child of 16 was sufficiently mature and responsible to opt for euthanasia? Had the Government considered the possibility of manipulation or abuse by private doctors who acted in their own interests instead of those of the child? Perhaps the decision should rest with Government services instead.

50. When a child was removed from the family and placed in an institution, were there any procedures to give the child counselling, to ensure that the child's views would be taken into account and to provide the child with sufficient information? What mechanisms existed to guarantee that the care institution acted in the best interests of the child, and not only in the best interests of the institution itself? Did the Government have any plan of action to address the problem of child mortality among minority groups, which was higher than the national average?

51. Mr. FULCI asked whether any research had been conducted into the situation of children raised in non-traditional families, and specifically into their education, care and above all psychological development. Referring to the fact that nearly all the children adopted in the Netherlands were foreigners, he asked whether the Government could provide a list of the countries of origin. Were there some countries which generally sent more children for adoption?

52. Mr. RABAH referred to the abduction of children from broken homes and their illegal transfer to other countries. Had the Netherlands entered into any bilateral international agreements to ensure that the best interests of such children were taken into account while such cases were pending before the courts?

53. Mrs. OUEDRAOGO, noting that a programme for improving the quality of life of children living in care institutions had been set up by the Ministries of Education, Culture and Science and of Justice, asked how the situation had evolved vis-à-vis the programme's objectives and the recommendations made by the committee set up by the two ministries to improve the monitoring of child-care institutions. Secondly, while aware that the Ministry of Justice was responsible for adoption in general, she wondered how national and intercountry adoptions were followed up and by what mechanism. She would also like to know what solutions had been found to the confidentiality and other problems besetting the Child Care and Protection Advisory Board. She asked whether any of the projects discontinued precisely on account of those problems had been resumed. Given that mistreatment was still on the increase, had any studies been conducted to discover its root causes? And what would be done to reduce it?

54. The findings of the scientific study carried out on psychosocial diagnoses in alleged cases of sexual violence against children had not been available at the time the report had been drafted. Could the delegation inform the Committee of the broad outlines of those findings and of the main recommendations formulated? Referring to reports of sexual violence in schools, as stated in paragraph 172 of the Netherlands report, she wished to know what was being done to remedy that state of affairs; what the current situation was; what punishment had been meted out to the offending teachers; and what steps were being taken to prevent its recurrence. On the subject of breastfeeding, she said that since many women gave birth at home - and therefore lacked monitoring or appropriate encouragement - and the milk-substitute companies conducted such massive publicity campaigns, making the Netherlands one of the countries with the lowest breastfeeding rate in Europe, she wished to know whether the authorities had any plans to improve its policy for the promotion of breastfeeding, which was far better for children's health.

55. Mrs. KARP asked what AIDS prevention and counselling services were available to children, the Committee having heard from some children that they were required to pay for tests or counselling. Along similar lines, she wished to know who paid private doctors for medical consultations sought by children, when availing themselves of their right to consult a doctor without their parents' consent. How was that right exercised in practical terms? She also understood that there were long waiting lists for mental-health examination or treatment for children referred by the courts. She asked whether the Netherlands had capacity problems as regards juvenile mental-health facilities, and whether such facilities existed countrywide. What were the rules governing children's ability to contest their admission to a mental hospital, even with parental consent? What avenues could they explore to have the decision reviewed?

56. Mrs. SARDENBERG, agreeing with Mrs. Karp on the complex issue of euthanasia, was interested to know whether it was a subject of public debate in the Netherlands and whether children could participate. In that connection, she called for clarification of an earlier reply by the delegation concerning the National Youth Debate, which contradicted the report, where it was described as an important event attended by the Prime Minister and other dignitaries, with the participation of youth panels and individual children, and culminating in a plethora of proposals. Why, then, had the delegation described it as a merely media event?

57. Mr. FULCI, following up Mrs. Ouedraogo's question, said that promotion of breastfeeding comprised three main aspects: the need for positive education, information and promotion of its advantages; the need to counter the negative impact of the commercial marketing of milk substitutes; and most importantly, the need to warn HIV-infected mothers that the disease was transmissible through breast milk. How were those three aspects, especially the last, being addressed by the Dutch authorities? The horrible problem of female genital mutilation, usually associated with developing countries, especially in Africa, was currently rearing its ugly head in the industrialized countries as a result of immigration. He had been happy to read in the report that the Netherlands regarded the practice as a form of oppression of women and that a national female circumcision information and consultation centre had been set up in 1993.

58. It was his understanding that the problem arose chiefly with women and girls from Somalia, who constituted the largest refugee group in the Netherlands. What kind of strategy was the centre developing for directly informing refugee women and girls? He asked the delegation to share with the Committee its assessment of the implementation of the country's anti-excision measures, and to say how the affected women had responded. How did living in a modern industrialized society influence that traditional practice among immigrant women? Had the Dutch Government undertaken any research in that area?

59. Mrs. TIGERSTEDT-TÄHTELÄ, referring to violence against and neglect of children, welcomed the statement, contained in the reply to question 20 on the list of issues, that a working group on child-abuse reporting centres had been set up in 1994 by the Ministers/State Secretaries for Justice and for Health, Welfare and Sport, who had submitted a position paper to the Lower House of Parliament in mid-1998, endorsing the working group's comprehensive definition of the term "child abuse". However, considering that 16,000 cases had been

reported in 1998, she wondered whether, if the subject was taboo in the Netherlands, there might not be thousands more that had gone unreported. Also, given the stated aim of establishing a countrywide network of centres by the beginning of 2000, she asked how many had been created so far, and whether they would be the responsibility of the central Government or the local authorities. She asked for an explanation as to why the media, which was an ideal source of awareness-raising of the problem, would be involved only at a much later stage.

60. She wondered when the Government intended to make its promised budget increase in connection with its "client-based" health budgeting. Would it do so during the forthcoming budget period? The report had stated that there were some 58,000 households - including 100,000 children - currently living below the poverty line. Had any research been conducted to determine the cause of that poverty, especially as it affected the health of children?

61. Mrs. OUEDRAOGO, returning to the issue of female genital mutilation, cited the report's statement that preventive measures were being taken, but without any clarification of how matters currently stood as a result of those measures. She understood that children of immigrants were sent back to their countries of origin for the operation and later returned to the Netherlands. How was the Government addressing that situation?

62. Mrs. KARP, turning to education, leisure and cultural activities, said that, while aware that pupil-participation structures existed in secondary education, she wished to know whether the same was true for primary education. If not, were there any plans to expand them? Human rights in general, and children's rights in particular, appeared to be taught exclusively as an adjunct to other subjects. Also, in view of the provision that they should form an obligatory part of the school curriculum, teacher-training curricula for both education levels should include appropriate methods of teaching children's rights as such. It was never too early to institute that branch of education. If it were confined to secondary education, that would imply that primary schoolchildren were incapable of comprehending human rights. From information she had received, it appeared that budget cuts had caused a radical reduction, if not the abolition, of health-care services provided in some primary schools. If that was the case, what was being doing to supplement children's access to such care?

63. Mrs. SARDENBERG, citing the reference in the written replies to a "National Protocol on Bullying" and a "Bullying Test", wished to know exactly what the latter entailed and how it tied in with the Protocol.

64. Mr. FULCI called on the delegation to corroborate or refute information he had received to the effect that 2.5 per cent of all new teacher enrolments in the country were reserved for homosexuals.

The meeting rose at 5.40 p.m.

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COMMITTEE ON THE RIGHTS OF THE CHILD

Twenty-second session

SUMMARY RECORD OF THE 580th MEETING

Held at the Palais des Nations, Geneva,
on Tuesday, 5 October 1999, at 10 a.m.

Chairperson: Mrs. MBOI

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The meeting was called to order at 10 a.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Initial report of the Netherlands [CRC/C/51/Add.1; HRI/CORE/1/Add.66; written replies of the Government of the Netherlands to the questions raised in the list of issues to be taken up (document without symbol distributed during the meeting, in English only)]

1. At the invitation of the Chairperson, the Netherlands delegation resumed its places at the Committee table.

2. The CHAIRPERSON invited the members of the delegation to reply to the Committee's questions.

3. Mr. HALFF (Netherlands) said that the written replies contained information concerning adoption. He pointed out that most of the children adopted in the Netherlands came from Brazil, Colombia, China, India and Taiwan. He also explained that human rights were taught in secondary schools but, for the moment, no plans had been made to include that subject in the primary curricula. In reply to the allegation that 10 per cent of the teaching posts were reserved for homosexual teachers, he affirmed that the sexual tendencies of individuals concerned only themselves and, therefore, did not give rise to any positive or negative discrimination in the Netherlands. With regard to racial discrimination in schools, he referred to the last report that his country had submitted to the Committee on the Elimination of Racial Discrimination which gave an account of various measures designed to promote the integration of children from ethnic minorities in the school system (particularly through school subsidies, inquiries into allegations of segregation and inspections).

4. Mr. JANSEN (Netherlands) explained that the intake capacity of the childcare centres was adjusted every year in the light of the number of places in the previous year, the waiting lists and the needs estimated by the bodies responsible for the placement of children. A high official had been assigned to study ways to improve the placement procedures and the intake capacities, which were still insufficient even though they had doubled during the last three years.

5. With regard to child euthanasia, he emphasized that the decision lay primarily with the physicians, although they were not the only ones to determine whether the child was knowingly expressing his or her wishes. Such a decision inevitably involved a certain amount of uncertainty and could always be contested by the parents. The medical profession was nevertheless prepared to face the problems associated with that act. The Ministry obviously could not take a final decision on that question and the outcome of the debates that were taking place in the Parliament on that subject was currently awaited. In general, some people feared abuse of authority in the medical field. The medical system was such that physicians could act in accordance with the views of the children and the latter knew that they had the right to choose their physician. However, the legislation contained safeguards against abuses.

6. In the procedures for placement outside the family circle, children over 12 years of age were necessarily heard before any decision was taken. Children under 12 years of age could also be involved if they so wished, provided that they understood the situation. The children's participation was not confined to that stage but continued subsequently. With regard to the abduction of children, the Netherlands believed that the existing international agreements (particularly the Hague Convention of 1980) were effective. Although his country did not totally exclude the possibility of concluding bilateral agreements, it had not yet felt a need therefor.

7. Concerning confidentiality with regard to child victims of sexual abuse within the family, a bill of law would soon be submitted to the Parliament under which physicians would be obliged to report cases that came to their knowledge, even without the permission of the persons concerned. The lifting of medical secrecy in that context would make it easier to help the victims.

8. Finally, the situation of children adopted abroad and their parents was monitored by the bodies that served as intermediaries for the adoption and the results of that follow-up were also transmitted to the countries of origin.

9. Mrs. STAAL (Netherlands), in reply to the question concerning the difficulties faced by households receiving a minimum income or living below that threshold for at least four years, said that, in 1998, the Social and Cultural Planning Office and the Central Bureau of Statistics had carried out a survey of that situation. The results of the survey, presented in a report entitled "The other face of the Netherlands - Progress Report 1999" highlighted the following points: the situation of couples with children did not differ greatly from that of couples without children; inactivity was not necessarily the main reason for the inadequacy of resources, since account should also be taken of other factors such as educational level, health problems, social isolation and psychological problems; as a general rule, single-parent families and families with children were more frequently indebted for endogenous reasons, relating to the personality of the individuals themselves, and exogenous reasons such as the need to adapt to a lower standard of living or to meet sudden expenses (particularly after a divorce).

10. With regard to the situation of women in the labour market, she referred to the concluding observations of the Committee on Economic, Social and Cultural Rights according to which women were still being subjected to employment-related discrimination in the Netherlands. On being invited to reply to those observations, the Government of the Netherlands had drawn attention to measures that had been taken to improve that situation. In particular, a law prohibiting distinctions based on the number of hours worked had entered into force in 1996. Its purpose was to protect part-time workers, who were usually women, from any discrimination. With regard to wage equality, endeavours were currently being made to devise a method to monitor the impartiality of evaluation systems. The Ministry of Social Affairs and Labour had undertaken to compile a database on equal treatment between men and women in the field of employment. The Government also wished to emphasize that the high proportion of women working part-time should not automatically lead to the conclusion that the principle of equality was not being respected. It should be realized that many Dutch women preferred to look after their

children themselves during part of the week. In fact, the number of places available in day-care centres and other child-minding facilities was not always sufficient even though steps had been taken to remedy that problem. At all events, even when day-care possibilities existed, many women preferred to work part-time in order to devote some of their time to their children. That was a matter of personal choice; it was not a result of discrimination.

11. Mr. VAN LOON (Netherlands) said that he had just received a document containing a complete list of the responsibilities of Governments, provinces and municipalities in regard to the formulation and implementation of policies concerning participation by young persons. That document, together with brochures on the subject, were at the disposal of the members of the Committee. The National Youth Debate was not merely an annual event, even though it was important insofar as it attracted the attention of the media; the Government viewed that initiative rather as an opportunity for ongoing dialogue with young persons.

12. Non-traditional families had always formed the subject of extensive research, the conclusions of which were similar. It was generally acknowledged that family structure, in itself, had little effect on the manner in which children were brought up and socio-economic and cultural factors, as well as sudden upheavals in the immediate family, had a much greater impact. With regard to the problem of excision, in 1992 the Government had formulated a policy designed to prevent that practice and, if necessary, to permit legal proceedings to be brought at the request of the Office of the Public Prosecutor. A foundation known as "Pharos", which assisted refugees in the field of health, was particularly interested in that problem. Country-wide public awareness campaigns had been conducted. However, it remained difficult to control persons who left the country in order to undergo that operation. In such cases, both information and means of action were lacking.

13. The establishment of youth groups at the local level was not subject to specific regulations. Although they were not obligatory, there were many such groups. It was the municipalities themselves which decided on the structure and activities of those groups which, consequently, took various forms.

14. The client-linked budget scheme that had been in operation in the sectors of domiciliary care and care for persons with mental handicaps reflected a demand-driven approach designed to facilitate freedom of choice by the clients. Under that scheme, the needs of applicants were assessed and an insurance company calculated the requisite budget. If the latter was lower than a certain amount, the money needed for the acquisition of equipment and services was paid directly to the client. If it exceeded that amount, implementation of the agreement was entrusted to a health insurance fund. About 9,000 persons were currently benefiting from that scheme and plans had been made for its extension through the allocation of 10 per cent of the additional budgetary resources earmarked for health in coming years.

15. A question had been raised concerning the actual results obtained by the child abuse reporting centres. Provincial centres of that type had already been established and constituted a national network that was already operational. The provinces were responsible for the annual budget allocated to them by the Ministry of Justice and the Ministry of Health, Welfare and

Sport. The latter agreed with each of the provinces on the organization of the centres and the management of their tasks, which consisted in receiving requests for counselling and consultation from general practitioners or teachers, as well as reports on cases of child abuse. Although the number of cases recorded by those centres amounted to 16,000, the total number of cases, including those recorded elsewhere, was probably in the region of 50,000. The Government was endeavouring to ensure that all reports of abuse were dealt with by those centres, which was not yet being done on a systematic basis.

16. During the current year, a national task force had been set up to establish the modus operandi of the child abuse reporting centres. That task force was drawing up an amendment to the law on youth services, which would soon be submitted to the Parliament, and was looking into ways to improve the operation of the centres. Mrs. Karp's suggestion that such task forces should also include young persons who had suffered abuse would be transmitted to the persons concerned. The national campaign to promote those centres would begin only when they were able to receive a large number of persons, i.e. after the year 2000. For the moment, a campaign was being undertaken at the regional level to inform physicians and teachers of the existence of those centres.

17. The CHAIRPERSON invited the members to pose their questions concerning special protection measures.

18. Mr. FULCI said that, contrary to the reply that the Committee had been given, there were ways to penalize persons who sent young girls abroad to be excised. He suggested that, for those grave cases, the State party might consider promulgating legislation applicable to offences committed outside the territory of the Netherlands.

19. Given the fact that the Netherlands legislation prohibited the recruitment of children under 17 years of age into the armed forces, he wondered whether the Government of the Netherlands intended to ratify the new ILO Convention concerning child labour, article 3 of which prohibited the recruitment of child soldiers and their use in armed conflicts.

20. With regard to paragraphs 365 to 369 of the report, concerning drug abuse, he regretted the absence of information concerning the consequences of drug addiction, which tended to portray the situation in a favourable light. Was there a causal link between the Government's permissive policy on soft drugs and the use of drugs by children?

21. Mr. RABAH requested further information concerning the detention and rehabilitation centres. Who ran them, in what way did the Ministries cooperate in their operation and what difficulties were encountered with young persons? Did the alternative penalties also apply to adults and minors under 13 years of age and were special measures taken for girls in the rehabilitation centres?

22. Mrs. KARP noted that the Netherlands legislation did not protect consenting children over 16 years of age from sexual exploitation for commercial purposes. Did the State party intend to amend its legislation to

protect children, even consenting, up to the age of 18 as recommended in the declaration adopted at Stockholm by the World Congress against Commercial Sexual Exploitation of Children?

23. She also wished to know why the double criminality clause had not been abolished as new legislation on extraterritorial jurisdiction was being prepared. With regard to juvenile justice, when a case was being heard by a police court the child no longer had the right to a defence nor the right of appeal which, in her view, constituted a violation of human rights. Moreover, that procedural choice was apparently motivated by financial considerations. Did the impossibility of appeal also apply to adults? Had it been examined as a problem of constitutional law and were there any court judgements that could be quoted as examples?

24. Mrs. TIGERSTEDT-TÄHTELÄ wished to know the procedure applicable to an asylum-seeking minor. Was his case examined separately or, if his parents had requested asylum in another country, in the light of their request? She had also read in a report that, in centres for minor refugees, young girls who had probably had contacts in the Netherlands before their arrival disappeared and were exploited in prostitution networks. Was the Government aware of that problem and was it taking measures to solve it?

25. Mrs. OUEDRAOGO encouraged the State party to arrange for human rights, and particularly the rights of the child, to be taught in primary as well as secondary schools. Moreover, in view of the high rate of school drop-outs, she wished to know whether there was a system to monitor school attendance and, if so, how effective was it and what results had been achieved through the prescribed prevention measures.

26. She inquired about the age at which children were enrolled for vocational training, given the fact that it was important that a child should receive a basic education before embarking on vocational training.

27. Mrs. KARP, returning to the question of alternative measures, said that a prosecutor had to consult a board if he decided to apply them, whereas a police officer who took such a decision was not required to consult anyone. Was there any way in which a child who considered himself to be innocent could resist the pressure brought to bear by a police officer who, in most cases, was eager to close the file as soon as possible?

28. She wished to know whether, under the Government's programmes, minors who had been exploited sexually for commercial purposes were treated differently from child victims of abuse.

29. Mrs. SARDENBERG, like other members of the Committee, thought that the Convention should be included in the academic curriculum from the primary stage and should be presented, in a manner appropriate to children, by specially trained teachers.

30. She welcomed the fact that, in its replies, the Netherlands delegation had emphasized that a national debate should not be confined to isolated

events. However, she regretted the absence of a supervisory mechanism to guide the youth council by providing it with directives and inquired whether plans had been made to develop such a mechanism.

31. Since the report and the written replies made no mention of the question of suicide, she wished to know whether there were any statistics or studies on that subject and whether specific measures had been taken.

The meeting was suspended at 11.20 a.m. and resumed at 11.45 a.m.

32. Mr. HALFF (Netherlands) said that his country was considering ratification of ILO Convention No. 182 on the worst forms of child labour. The age for admission to vocational education was 12 years. A computer programme, developed by psychologists with a view to making children aware of the adverse effects of bullying, was presented to children in numerous primary and secondary schools and was to be disseminated more extensively.

33. Mr. JANSEN (Netherlands) said that, although the effects of the legislation on drugs could not be quantified precisely, they could be regarded as relatively satisfactory since the Netherlands had the lowest proportion of drug addicts in Europe. With regard to excision, it was an actionable offence to send young girls abroad to undergo that operation if they were Dutch nationals; otherwise, the situation was more difficult to handle. With regard to the reservation under which children did not have the right to appeal against a decision by a lower court, he pointed out that adults likewise did not have the right to appeal against decisions concerning minor offences. The Supreme Court of the Netherlands had not hitherto regarded that as constituting a violation of human rights.

34. When an unaccompanied minor arrived in the country as a refugee, there were two possible scenarios: if the parents could be contacted, and if they had sought asylum in another country, arrangements were made for the child to rejoin his or her parents; however, if the whereabouts of the parents were unknown and if it would be inappropriate to send the child back to his or her country of origin, the child was placed in a reception centre. Although children could leave those centres, which were not prisons, every endeavour was made to prevent that from happening; the children were supervised by social workers and were informed of the dangers to which they were exposed outside the centre. The centre also kept an exact description of the children so that they could be traced rapidly, if necessary. On two occasions, persons had been convicted of trafficking in children.

35. Alternative penalties were proposed by the police to children who had committed a minor offence. The penalty usually consisted in making amends for the damage caused or performing work in the public interest. Such alternative penalties were applied, in accordance wit.. procedural rules, under the supervision of the prosecutor. Special measures and treatment were prescribed for the victims of sexual exploitation for commercial purposes. The detention centres were run either directly by the Ministry of Justice or by a private body funded by the Ministry of Justice. Children were admitted indiscriminately to private or public centres. The possibility of enabling minors from 16 to 18 years of age to benefit from the provisions of the Stockholm Congress against Commercial Sexual Exploitation of Children was

being studied. Although boys and girls were treated separately, the same measures and the same types of treatment were applied to both. The question of double criminality remained a delicate subject on which it was difficult to take a decision given the fact that there was no international consensus on that matter.

36. Mrs. KARP pointed out that there were recent works on that question, particularly a UNICEF publication which favoured abolition of the double criminality condition in order to combat commercial sexual exploitation. Returning to the question of alternative penalties, she noted that, in reply to question 32, it had been said that those penalties could be imposed at three levels: by the police officer responsible for the investigation, by the prosecutor or by the court.

37. Mrs. TIGERSTEDT-TÄHTELÄ wished to know whether minor refugees received counselling and support on their arrival and at what stage they began to receive an academic education.

38. Mr. JANSEN (Netherlands) said that all children seeking asylum received academic education and were looked after by special teams of teachers and social workers. After a period of residence in a centre, they were transferred to a host family.

39. Mr. HALFF (Netherlands), in reply to a question concerning violence at school, said that a survey had been conducted in 1994. The results of that survey, covering 2,000 children attending 71 primary and secondary schools, were hardly encouraging as 43 per cent of the children regarded themselves as victims of physical or psychological abuse and 15 per cent as victims of physical violence. A new law on sexual abuse at school had recently been adopted and would soon enter into force. It placed the teaching staff under an obligation, inter alia, to report acts of sexual abuse, including harassment or threats of violence, that came to their knowledge. A brochure on violence at school would soon be published.

40. As had already been said, the Government had decided to accord priority attention to the question of the link between low income and school attendance. Experiments were currently being carried out in which schools were cooperating with their local social services and police in an attempt to solve the problems encountered. Some schools had electronic class registers that recorded the presence and absence of pupils. Children's school attendance was also recorded at the regional level. For the last one and a half years, large amounts of money had been allocated to the major cities to enable them to meet the needs of groups of children at risk. Inter-ministerial measures were being taken to prevent school drop-outs and attempts were being made to make school education more attractive to children, including those of pre-school age.

41. Mr. VAN LOON (Netherlands) drew attention to a report on health and poverty during the period 1997-2000. He also indicated that a study on poverty, health and children would be published in October 1999. With regard to mental health, there was a general policy document for 1999, a copy of which had been transmitted to the secretariat. That document showed that the demand for care was increasing and the disparity between that demand and the

availability of care was widening. In order to deal with that situation, the Government was taking steps to ensure closer coordination between the competent departments and had increased the resources allocated to in- or out-patient mental health care. It was obviously endeavouring to reduce the waiting lists at institutions for handicapped children. It had also taken steps to remedy the shortage of paediatric psychiatrists and improve their geographical distribution.

42. The CHAIRPERSON inquired about the rules governing the placement of minors in psychiatric institutions.

43. Mr. VAN LOON (Netherlands) said that children had the right to consult physicians anonymously and physicians, being naturally bound by professional secrecy, did not have the right to inform their parents. The only question that arose in that context was who paid the physician. At all events, there were clinics specialized in the treatment of sexually transmissible diseases in which anyone could consult anonymously. Those clinics informed women, inter alia, of the risk of transmission of the AIDS virus through breastfeeding.

44. The CHAIRPERSON inquired whether a mother who discovered that she was seropositive could benefit from special alternative care.

45. Mr. VAN LOON (Netherlands) said that the specialized clinics coordinated campaigns designed to make public opinion aware of that possibility of transmission of HIV and, first of all, strongly advised seropositive women against breastfeeding their child. Those women benefited from support and consultations. However, since he had no details on that subject, he undertook to transmit written information at a later date. He also said that the proportion of children who were breastfed in the Netherlands was generally very low. The Ministry of Health, several NGOs and private bodies were endeavouring to promote breastfeeding and a "feeding centre" was organizing a plan of action to that end.

46. Mr. HALFF (Netherlands) said that the infant mortality was high in some localities. A study entitled "Metropolis" which had been conducted among infants had shown, for example, that, in a district of Amsterdam where numerous foreign nationals lived, mortality among one-week-old infants was higher than elsewhere. That could not be attributed to socio-economic reasons, but it had been noted that children born to very young or middle-aged mothers were the most vulnerable. Health care in schools had not been abolished. Pupils from 5 to 13 years of age regularly underwent a preventive medical examination. That medical examination covered 90 to 100 per cent of all young citizens of the Netherlands.

47. Mrs. KARP requested confirmation of some allegations made in an NGO report to the effect that those examinations had been abolished due to budgetary constraints.

48. Mr. HALFF (Netherlands) undertook to study that question and to reply in writing to that and all the other questions raised by members of the Committee to which the delegation had not been able to reply.

49. The CHAIRPERSON invited the Netherlands delegation to transmit replies that took into account the actual situation of children in the Netherlands and invited the members of the Committee to pose their final questions.

50. Mrs. OUEDRAOGO inquired whether all children were aware of the existence of health services in schools.

51. Mrs. TIGERSTEDT-TÄHTELÄ reminded the Netherlands delegation that she would like to know the financial implications of all the legal provisions concerning children, as well as the practices of the various Ministries in that regard. She also inquired whether the Netherlands had ratified the Framework Convention for the Protection of National Minorities and whether it was taking measures to further the education of the children of minorities. Did such children have access to supplementary classes in their own language?

52. Mrs. SARDENBERG requested information on the suicide rate among children in the Netherlands and on the tests that were carried out to determine the age of unaccompanied children seeking asylum.

53. Mrs. KARP requested further information on school health services in the light of the observations received from NGOs. She also wished to know whether there were any plans or programmes to promote participation by children in primary schools.

54. Mr. FULCI said that, in the light of his 43 years of experience of bureaucracy, he particularly appreciated the delegation's excellent presentation which had answered virtually all the questions raised by the members of the Committee. However, he reaffirmed that the Netherlands delegation should have included members of the Government or the Parliament who were in closer contact with the population and had a better understanding of the needs of children. He inquired why the delegation did not include any children.

55. Mr. RABAH wished to know whether the Government of the Netherlands had to deal with the phenomenon of street children.

56. Mr. HALFF (Netherlands) said that, although the phenomenon of street children certainly existed in the Netherlands, that problem was less acute than in other countries. He pointed out that there were no child beggars in the Netherlands. He drew Mr. Fulci's attention to the fact that the presence of young Dutch women in the audience had been financed by the Government of the Netherlands. He undertook to transmit Mr. Fulci's concerns regarding the delegation's composition to his Government.

57. Mr. JANSEN (Netherlands) said that x-ray examinations to determine the age of unaccompanied children seeking asylum had been resumed in 1999 but was carried out only with the consent of the child concerned.

58. The CHAIRPERSON invited the members of the Committee to make their final preliminary comments on the presentation of the initial report of the Netherlands.

59. Mrs. OUEDRAOGO thanked the delegation for the information given to the Committee but regretted that it had not been possible to establish a real dialogue. She noted that, like many other developed countries, the Netherlands did not have a programme of action for children. The principal shortcomings noted during the consideration of the initial report included the fragmented view of programmes for children and young persons, the absence of mechanisms to implement the Convention and the lack of an ombudsman for children. The Netherlands should take measures to ensure wider dissemination of the Convention, the training of specialists in that field and more extensive participation by children through a national mechanism. She also recommended the intensification of programmes for the establishment of socio-psychological assistance centres for child victims of abuse, as well as greater efforts to combat the traditional practice of excision and to ensure better protection for unaccompanied minors seeking asylum.

60. Mrs. TIGERSTEDT-TÄHTELÄ welcomed the fact that the legislation of the Netherlands covered all the fields dealt with in the Convention and that numerous positive policies had been adopted for the benefit of children. Nevertheless, it would be advisable to ensure more effective coordination of the measures taken and to include NGOs in that rationalization exercise. The NGOs could provide valuable information, even during the preparation of the report. She also invited the Netherlands delegation to arrange for greater participation by children in the various programmes.

61. Mrs. SARDENBERG hoped that the Netherlands would reconsider, and withdraw, its reservations concerning the Convention. Greater attention should be accorded to questions relating to sexual exploitation, participation by young persons and coordination of the measures taken by the central and local authorities.

62. Mrs. KARP said that the Netherlands should devote more efforts to the promotion of the three "Ps" (protection, provision of services and participation).

63. Mr. HALFF (Netherlands) thanked the members of the Committee for the numerous relevant questions that they had posed to the Netherlands delegation. The latter had listened attentively to the concerns that they had expressed, particularly regarding the questions of participation and coordination. He regretted that some members of the Committee felt that there had been a lack of structured dialogue and firmly undertook to reply in writing to all the questions to which the delegation had not been able to reply immediately due to lack of time or of information.

64. The CHAIRPERSON announced that the Committee had concluded its consideration of the initial report of the Netherlands. She welcomed the positive situation of the country's children that it portrayed, even if it had not given, as it should have done, an overall view of that situation, thereby giving rise to a difficult exercise between the members of the Committee and the delegation of the State party.

The meeting rose at 1.10 p.m.